

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 606 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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BHAGVANBHAI BHABHABHAI SMARK TRUST

Versus

STATE OF GUJARAT  
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Appearance:

MR BK OZA for MR. ND NANAVATI of M/S NJ MEHTA  
ASSO. for Petitioner  
MS DARSHANA PANDIT, AGP for Resp. State  
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CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 22/09/2000

ORAL JUDGEMENT

The petitioner Trust was contemplating to make certain appointments to the posts of Assistant Teachers, Clerks, Peons and in that context interim relief was sought to the effect that the respondents will not

obstruct them from making such appointments for which "no-objection certificate" was granted by the District Education Officer, Amreli in accordance with law. When rule was issued on the petition on 14.3.1989, by way of interim relief the petitioner was allowed to make such appointments but such appointments were required to be made strictly according to the Rules and Government Resolutions issued from time to time particularly with regard to absorption of surplus teachers as stated in the interim order made by the Hon'ble Mr. Justice M.B. Shah (as His Lordship then was). It is stated that accordingly appointments of some of the persons were made. If the appointments were made, they were required to be in accordance with the Rules and Government Resolutions issued from time to time, as stated in the interim order. If the appointments have been made in accordance with the Rules, Government Resolutions and the directions, then it is obvious that before they are disturbed in any manner, that can be done only in accordance with law which will give a fresh cause of action for approaching the Court to the aggrieved party. The present petition in context of the prayers which were sought at the time when it was filed has become infructuous. The petition is accordingly disposed of as having become infructuous. Rule is discharged with no order as to costs. Liberty to move in case of any difficulty.

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\*/Mohandas